

ARTICLE APPEARED
ON PAGE 39

NEWSWEEK
15 September 1980

NATIONAL AFFAIRS

Civiletti Takes the Stand

The smoldering Billy Carter caper brought the nation's chief law-enforcement officer to the stand last week, where he proved as polished a witness as he is a prosecutor. Having failed to shake Billy's testimony substantially in public hearings last month, the Senate subcommittee investigating Carter's Libyan connection turned to the behavior of his brother's Administration—and particularly the role of bland, silver-haired Attorney General Benjamin Civiletti. Despite advance billing of an intense grilling, Civiletti defended his department's performance and his own with a minimum of hostility from the panel. "I never delayed or attempted to delay or interfere in any way with the investigation or any proceeding," he declared—and the senators were unable to prove otherwise.

Not that there weren't a host of pointed questions awaiting the A.G. when he settled into the witness chair of the Senate caucus room for six hours of public testimony. Just the day before, Justice Department official Joel Lisker had testified that on the day Billy Carter admitted receiving \$220,000 from Libya, Civiletti had suggested that Lisker "wait ten days or so" before taking any further action. It was during those ten days, Lisker noted, that Civiletti mentioned the case to the President—a conversation Civiletti publicly denied before the President himself remembered it. And that timing raised the question of whether Civiletti had deliberately sought a ten-day delay to give Jimmy Carter warning of his brother's troubles. Another pending issue was why Civiletti had not told other Justice officials about reports he had received from intelligence sources in mid-April that Billy was about to receive money from Libya and that he had contracted to obtain Libyan oil from an American company.

'Absolutely Proper': Civiletti partly defused one issue at the outset by admitting it was a "serious mistake" not to have mentioned his conversation with Carter when first asked about his contact with the White House on the case. "I drew the distinction between a substantive discussion about the conduct of an investigation and the brief conversation I had with the President," the A.G. said. He admitted telling Carter in that June 17 meeting that Billy probably wouldn't be prosecuted if he agreed to register as a foreign agent, but insisted that was "absolutely proper" and not the makings of a deal. "I did not consider, and the President, I am confident, did not consider this to be a deal or a commitment of any kind," Civiletti said.

Civiletti also pooh-poohed any ominous implications in the ten-day delay, which

suggested. If anything, he said, it was "a kind of crazy speculation and misinterpretation" by Lisker and others over what was meant to be only a casual agreement that the case required more investigation before any conclusive action was taken. "The effect was to affect Lisker's decision making. Was it not?" asked Sen. Strom Thurmond of South Carolina. Said Civiletti, "No." And indeed, it seems to have been on the basis of standard departmental procedures that Lisker did not immediately begin criminal action against Billy.

The A.G. also defended his decision not

What finally persuaded Billy to register as a foreign agent? Was it a White House leak to the President's brother about the progress of the investigation? Lisker said last week that he had himself planted at the White House a threat of grand-jury action in an effort to persuade Presidential appointments secretary Phillip Wise, a friend of Billy's, to cooperate with the Justice inquiry. It was a bluff; there was no grand jury, and Lisker said he had never mentioned that possibility to anyone else. Yet six days later an associate of Billy's called Justice and asked whether the case would be going to a grand jury.

Favors: And Billy—who, it turns out, was briefly under Justice surveillance—still has not told the whole truth about his Libyan payments, Lisker maintained. After denying their existence, then calling one



© Bruce Hoertel

Civiletti (left), Lisker: A polished defense from the chief prosecutor

to share intelligence reports about Billy's activities with Justice officials involved with the case, even though they had security clearance. He did not want to compromise the intelligence source, Civiletti said, and he thought investigating the prospective money exchange might nip it in the bud, precluding valuable evidence. Instead, Civiletti testified, he simply told Criminal Division chief Philip Heymann in April not to close the investigation because key information would be forthcoming. After Justice's own efforts confirmed the payments from Libya in late May, Civiletti passed on the intelligence reports as corroboration. In his testimony before the panel, Heymann

of them repayment for his own prior expenses, Billy said the checks were part of a \$500,000 loan (with unwritten and interest-free terms). But Lisker last week repeated his belief that the money was meant to pay for favors past or future—perhaps including the meeting that Billy set up between White House national-security adviser Zbigniew Brzezinski and the Libyan representative in Washington last fall. Lisker also disclosed that Brzezinski himself is under investigation by Justice for warning Billy about the potentially embarrassing Libyan oil deal because his call was based on a classified intelligence report—one of those, in fact, that Civiletti thought too sensitive to share with his own subordinates.

The Senate inquest will continue this week with testimony from State Department officials and CIA Director Stansfield Turner. Next week the senators will set their sights on White House staffers, Brzezinski foremost among them. So far the investigators have not prodded the case into flame, but the Billy Carter caper still smolders.